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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
- -X
THE EDWARDS ANDREWS GROUP, INC.,

                Plaintiff,   07 Civ. 4607 (LTS)(AJP)

    -against-

ADDRESSING SERVICES COMPANY, INC.   ECF Case

                Defendant.

- -X

Declaration of Eric B. Fisher in Support of Motion to Reinstate

ERIC B. FISHER, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1.   I am an attorney admitted to practice in the State of New York and before this Court. I am a member of the law firm of Morgenstern Jacobs & Blue, LLC, attorneys for defendant Addressing Services Company, Inc. ("ASCO").

2.   On July 13, 2007, ASCO filed and served a motion to dismiss (the "Motion") in this action.

3.   In an order entered on July 18, 2007, this Court terminated the Motion for purposes of the Court's docket without prejudice to reinstatement upon application to the Court. The reason for termination was failure to comply with Paragraph 2.B of the Individual Practice Rules of this Court.

4.   During the period from July 19, 2007 until today, in compliance with this Court's Individual Practice Rules, I have used my best efforts to resolve informally the matters raised in the Motion. These efforts have included telephonic and email communications with counsel for plaintiff, as well as an exchange of letters with plaintiff's counsel concerning our respective legal and factual positions. Although these communications were constructive, we were not able to resolve or narrow the issues raised by the Motion.

5.   I apologize to the Court for my inadvertent failure to comply with the Individual Practice Rules in the first instance.

6.   For the reasons set forth above, ASCO respectfully requests that this Court reinstate the Motion to its docket.

Executed this 27th day of July, 2007
New York, New York

/s/ Eric B. Fisher
Eric B. Fisher

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